
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 1

The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003

Continuity of exercise of functions

12.—(1) This article applies in respect of any function of a local authority exercisable in the National Park which ceases to be exercisable by that local authority and is transferred, so as to be exercisable instead by the Authority, in accordance with this Order.

(2) The transfer of such functions to the Authority shall not affect the validity of anything done by or in relation to any such local authority before that transfer.

(3) Anything which on the date of such transfer is in the process of being done by or in relation to a local authority in the exercise of, or in connection with, any such functions may be continued by or in relation to the Authority in respect of the National Park.

(4) Subject to paragraphs (8) and (9) below, anything done by or in relation to a local authority before the date of such transfer in the exercise of or in connection with any such function, or anything which by virtue of any enactment is treated as having been so done, shall, so far as is required for continuing its effect on and after that date, have effect as if it had been done by or in relation to the Authority.

(5) Paragraph (4) above applies in particular to—

- (a) any decision, determination, declaration, designation, agreement or instrument made by a local authority;
- (b) any byelaws;
- (c) any licence, permission, consent, approval, authorisation, exemption, dispensation or relaxation granted by or to a local authority;
- (d) any notice, direction or certificate given by or to a local authority;
- (e) any application, request, proposal or objection made by or to a local authority;
- (f) any condition or requirement imposed by or on a local authority;
- (g) any appeal allowed by or in favour of or against a local authority; and
- (h) any proceedings instituted by or against a local authority.

(6) Paragraph (5)(h) above includes investigations in respect of the conduct of any person employed by a local authority which is subject to investigation by the Commissioner for Local Administration in Scotland under Part II of the Local Government (Scotland) Act 1975(1).

(7) Any reference, however framed, to a local authority in any document constituting, or relating to, anything to which the foregoing provisions of this article apply shall, so far as is required for giving effect to those provisions, be construed as a reference to the Authority.

(8) The provisions of this article are without prejudice to any other provision made by this Order or by or under the 2000 Act in relation to any such function, and in relation to a local authority

(1) 1975 c. 30; applied to National Park authorities by the 2000 Act, Schedule 5, paragraph 5.

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and the Authority, and are without prejudice to the operation of any transfer scheme made under Schedule 4 to the 2000 Act.

(9) Paragraph (4) above shall not apply to any conduct which constitutes a criminal offence on the part of a local authority for the purpose of the prosecution of that offence.